

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jean Paul Lozada	Team: Squad #9	CCRB Case #: 201608467	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 09/22/2016 8:32 AM, Saturday, 10/01/2016 , Sunday, 10/01/2017	Location of Incident: § 87(2)(b) en route to & at the 75PCT stationhouse; & outside § 87(2)(b)	Precinct: 75	18 Mo. SOL 3/22/2018	EO SOL 3/22/2018	
Date/Time CV Reported Thu, 10/06/2016 8:51 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 10/06/2016 8:51 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. An officer			
2. POM Michael Ardolino	03101	951507	075 PCT
3. DTS Terry Avent	01029	932280	E S U
4. DTS Shawn Soler	05036	927537	E S U
5. POM Michael Taggart	02110	937601	ESS 08
6. SGT Adnan Radoncic	01316	930995	075 PCT
7. DC Michael Lipetri	00000	906647	CD OFF

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SDS Damon Martin	04173	920558	INT CIS
2. POM Nicholas Desalvo	16496	954725	075 PCT
3. POM Stephen Barounis	03718	956414	075 PCT
4. DTS Noah Molina	4247	930753	ESS 07
5. DTS Patrick Barry	00249	917283	E S U
6. LT Kevin Cain	00000	936275	075 PCT
7. LT Hipolito Gil	00000	943296	075 PCT
8. POM Matthew Giunta	04145	947033	ESU CAN
9. POM Sean Gallagher	11212	954839	075 PCT

Officer(s)	Allegation	Investigator Recommendation
A.DC Michael Lipetri	Abuse: On September 22, 2016, Deputy Chief Michael Lipetri entered and searched § 87(2)(b) in Brooklyn.	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
B.DTS Shawn Soler	Discourtesy: On September 22, 2016, inside § 87(2)(b) in Brooklyn, Detective Shawn Soler spoke discourteously to § 87(2)(b)	
C.DTS Shawn Soler	Discourtesy: On September 22, 2016, inside § 87(2)(b) in Brooklyn, Detective Shawn Soler spoke discourteously to § 87(2)(b)	
D.POM Michael Taggart	Force: On September 22, 2016, inside § 87(2)(b) in Brooklyn, Police Officer Michael Taggart used physical force against § 87(2)(b)	
E.DTS Terry Avent	Force: On September 22, 2016, inside § 87(2)(b) in Brooklyn, Detective Terry Avent used physical force against § 87(2)(b)	
F. An officer	Discourtesy: On September 22, 2016, en route to the 75th Precinct stationhouse, an officer spoke discourteously to § 87(2)(b) and § 87(2)(b)	
G.POM Michael Ardolino	Abuse: On September 22, 2016, at the 75th Precinct stationhouse, Police Officer Michael Ardolino did not obtain medical treatment for § 87(2)(b)	
H.SGT Adnan Radoncic	Abuse: On October 1, 2016, outside § 87(2)(b) in Brooklyn, Sergeant Adnan Radoncic stopped § 87(2)(b)	
I.SGT Adnan Radoncic	Abuse: On October 1, 2016, outside § 87(2)(b) in Brooklyn, Sergeant Adnan Radoncic frisked § 87(2)(b)	
§ 87(4-b), § 87(2)(g)		

Case Summary

On October 6, 2016, § 87(2)(b) filed this complaint with the CCRB via telephone on behalf of herself, her boyfriend, § 87(2)(b) and § 87(2)(b)'s stepfather, § 87(2)(b).

On September 22, 2016, at approximately 8:32 a.m., officers from the Emergency Services Unit Apprehension Team forcibly entered § 87(2)(b) in Brooklyn pursuant to a valid search warrant (Board Review 18) (**Allegation A**). DTS Shawn Soler of ESU entered § 87(2)(b)'s and § 87(2)(b)'s bedroom and allegedly told § 87(2)(b) to "get the fuck on the ground (**Allegation B**).\" DTS Soler allegedly ordered § 87(2)(b) to "get the fuck out of bed (**Allegation C**).\" § 87(2)(b) said she was not dressed and DTS Soler said he did not "give a fuck (**Allegation C cont'd**).\" § 87(2)(b) and § 87(2)(b) were then handcuffed. § 87(2)(b) exited his bedroom and PO Michael Taggart of ESU allegedly punched § 87(2)(b) in his right cheek, causing him to stumble to the kitchen, where he was placed on the floor (**Allegation D**). DTS Terry Avent of ESU then allegedly bent down and punched § 87(2)(b) in his right jaw while he was on the ground (**Allegation E**). Once the occupants of the residence were secured, the ESU officers exited the residence and officers from the 75th Precinct entered and began their search of the apartment. The officers brought § 87(2)(b) and § 87(2)(b) into bedrooms separately and asked them where contraband was located. § 87(2)(b) showed the officers a broken BB gun and marijuana that he had in his bedroom. § 87(2)(b) and § 87(2)(b)'s friend, § 87(2)(b) were placed under arrest and taken to a prisoner van, where an unidentified officer allegedly sang, "We're gonna lock you up," or, "We're gonna find a gun," in a mocking tone of voice (**Allegation F**). At the 75th Precinct stationhouse, § 87(2)(b) allegedly requested medical treatment for his injured lip and back from PO Michael Ardolino of the 75th Precinct, but he was not taken to the hospital until he went to central booking several hours after this request (**Allegation G**). § 87(2)(b) and § 87(2)(b) were released with ACD's, while § 87(2)(b) was charged with § 87(2)(b).

On October 1, 2016, at approximately 6:47 p.m., § 87(2)(b) was preparing to unlock the front door of § 87(2)(b) when Sgt. Adnan Radoncic of the 75th Precinct frisked his pocket and waistband (**Allegations H and I**). Sgt. Radoncic and PO Sean Gallagher of the 75th Precinct told § 87(2)(b) that they had received a call that guns were drawn at § 87(2)(b). § 87(2)(b) was released without a summons.

This case is being closed after the 90-day benchmark of January 6, 2017. It was not known that ESU officers were involved in the execution of this search warrant until PO Ardolino, the arresting officer, was interviewed on November 22, 2016. Furthermore, the subject of Allegations I and J was not known until Sgt. Radoncic was interviewed on February 6, 2017 and identified himself as the officer who stopped and frisked § 87(2)(b).

There is no video footage in this case.

Mediation, Civil and Criminal Histories

- This case was deemed ineligible for mediation due to the arrests of § 87(2)(b) and § 87(2)(b).
- § 87(2)(b) and § 87(2)(b) each filed notices of claim seeking unspecified damages for the September 22, 2016 incident (Board Review 01).

- § 87(2)(b) does not have any prior criminal convictions (Board Review 02).
- § 87(2)(b) (Board Review 03).
- § 87(2)(b)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint in which § 87(2)(b) and § 87(2)(b) are involved, and the second in which § 87(2)(b) is involved (Board Review 05). § 87(2)(b)
- Deputy Chief Michael Lipetri has been a member of the NYPD for 22 years and has 23 prior CCRB allegations involving 14 cases with three substantiated allegations (Board Review 06).
 - Deputy Chief Lipetri was the subject of Abuse – Premises Entered and/or Searched allegations in case numbers 200201651 (exonerated), 200303053 (exonerated), 200706634 (exonerated), 200712919 (exonerated), 200717869 (exonerated), 200914445 (exonerated), 201201896 (victim uncooperative), and 201503932 (substantiated).
 - In case number 200201651, Deputy Chief Lipetri was the subject of a Discourtesy – Word allegation. This allegation was closed as substantiated, and the CCRB recommended charges. The NYPD recommended and imposed a penalty of Command Discipline A.
 - In case number 201503932, Deputy Chief Lipetri was the subject of Abuse – Premises Entered and/or Searched and Discourtesy – Word allegations. These allegations were closed as substantiated, and the CCRB recommended a penalty of Formalized Training. The NYPD recommended Instructions, and no penalty is listed.
- DTS Shawn Soler has been a member of the NYPD for 16 years and has 11 prior CCRB allegations involving two cases with no substantiated allegations (Board Review 07).
 - DTS Soler was the subject of Discourtesy – Word allegations in case numbers 200407859 (unfounded) § 87(2)(g)
- PO Michael Taggart has been a member of the NYPD for 12 years and has 20 prior CCRB allegations involving six cases with no substantiated allegations (Board Review 08).
 - PO Taggart was the subject of Force – Physical Force allegations in case numbers 200715443 (complaint withdrawn) § 87(2)(g)
- DTS Terry Avent has been a member of the NYPD for 13 years and has 18 prior CCRB allegations involving six cases with no substantiated allegations (Board Review 09).
 - DTS Avent was the subject of Force – Physical Force allegations in case numbers 200707365 (unsubstantiated), 200713813 (complainant uncooperative),

200805398 (complainant uncooperative), 201011679 (complainant uncooperative), and 201506894 (unsubstantiated).

- PO Michael Ardolino has been a member of the NYPD for five years and has 24 prior CCRB allegations involving six cases with two substantiated allegations. § 87(2)(g) (Board Review 10).
 - In case number 201502623, PO Ardolino was the subject of an Abuse – Refusal to Provide Name/Shield Number allegation. This allegation was closed as substantiated, and the CCRB recommended a penalty of Command Discipline A. The NYPD also recommended Command Discipline A, and no penalty is listed.
 - In case number 201506191, PO Ardolino was the subject of a Discourtesy – Word allegation. This allegation was closed as substantiated, and the CCRB recommended a penalty of Command Level Instructions. No NYPD disposition or penalty is listed.
- Sgt. Adnan Radoncic has been a member of the NYPD for 14 years and has three prior CCRB allegations involving one case with no substantiated allegations. § 87(2)(g) (Board Review 11).

Potential Issues

- The Stop, Question, and Frisk Report prepared for § 87(2)(b) on October 1, 2016 was requested from the 75th Precinct on February 8, 2017 and will be added to the case file upon receipt.

Findings and Recommendations

Explanation of Subject Officer Identification

- **Allegations B and C:** § 87(2)(b) stated that the officer who cursed at her and § 87(2)(b) who was present in her bedroom and handcuffed her, was a 6' to 6'5" tall white male in his late 30s to late 40s with a stocky build, blue eyes, 5 o'clock shadow, a machine gun with a light, and no ballistic shield. § 87(2)(b) described this officer as a white male with a large gun. The ESU Warrant Execution Supplemental Report (Board Review 12) identifies DTS Soler as the officer who handcuffed § 87(2)(b) and notes that DTS Soler was carrying an MP5 submachine gun. DTS Soler is a § 87(2)(b)-old white male who is 6' tall, weighs 220 pounds, and has brown hair and brown eyes. DTS Soler has therefore been identified as the subject of Allegations B and C.
- **Allegations D and E:** § 87(2)(b) described the first officer who punched him (Allegation D) as a 5'9" to 5'10" tall white male in his 30s with a medium build and a ballistic shield. He described the second officer who punched him (Allegation E) as 6' tall black male in a white uniform with a slim build and short black hair. The only black male officer listed on the ESU Warrant Execution Supplemental Report (Board Review 12) is DTS Avent, an MP5 submachine gun operator who handcuffed § 87(2)(b) and no black male officer in a white uniform was present at the scene (Board Review 12, 13, 14). The ballistic shield operator working with DTS Avent was PO Taggart. PO Taggart is a § 87(2)(b)-old white male who is 6'1" tall, weighs 245 pounds, and has brown hair and blue eyes. DTS Avent is a § 87(2)(b)-old black male who is 6'2" tall, weighs 225 pounds, and has brown hair and brown eyes. PO Taggart has therefore been identified as the subject of Allegation D, while DTS Avent has been identified as the subject of Allegation E.

- **Allegation F:** § 87(2)(b) described the officer who sang in the prisoner van as a 5’7” to 5’8” tall uniformed Asian male with a skinny build seated in the passenger seat. In his telephone statement, § 87(2)(b) described this officer as a uniformed white female officer in her mid-20s with long hair in a ponytail seated in the driver seat. In his CCRB interview, § 87(2)(b) did not recall the gender of this officer or where he or she was seated in the driver seat or the passenger seat. None of the officers interviewed recalled which officers were in the prisoner van. The 75th Precinct Tactical Plan (Board Review 14) identifies vehicle # 8828 as “Hospital Auto/P-Van,” but no specific officer is listed as being assigned to this vehicle. The 75th Precinct Tour 2 Roll Call (Board Review 15) identifies youth officers PO Tanisha McKenzie, a black female, and PO Bryan Rothwell, a white male, as being assigned to vehicle # 8828. However, neither PO McKenzie’s memo book (Board Review 16) nor PO Rothwell’s memo book (Board Review 17) contains any entries pertinent to this incident. In light of the above, the subject of Allegation F remains unidentified, and Allegation F is therefore pleaded against “an officer.”

Allegations Not Pleaded

- Because § 87(2)(b) was searched pursuant to a valid search warrant, Abuse: Gun Drawn, Force: Gun Pointed, and Abuse: Property Damaged (for the damaged front door that was forced open) allegations are being subsumed into the Abuse: Premises Entered and Search allegation and are therefore not being pleaded separately.
- § 87(2)(b) and § 87(2)(b) were each allegedly pushed down to the floor before they were handcuffed. § 87(2)(b) alleged that an unidentified officer kicked his legs after ordering him to cross them. § 87(2)(b) alleged that two officers stepped on his head, back, and ankles while he was on the ground and before he was handcuffed. Because these actions were reasonable for the purposes of restraining and securing the occupants of the residence, and because they were not excessive in nature, no Force: Physical Force allegation is pleaded in regards.
- § 87(2)(b) alleged that an officer told § 87(2)(b) s § 87(2)(b) -old sister, § 87(2)(b) that she needed to either call a relative to pick her up from the residence or that she would be taken into the custody of ACS. Because this was a statement of fact, no Abuse: Threat of ACS allegation is pleaded.
- § 87(2)(b) alleged that when § 87(2)(b) was punched in the face, an officer replied, “You look like you could take a couple of hits.” § 87(2)(b) stated that this officer said that § 87(2)(b) has been punched in the face before. Because § 87(2)(b) made no mention of any officer making either of these statements, no Discourtesy: Word allegation is pleaded in regards.
- § 87(2)(b) and § 87(2)(b) allegedly asked to see the warrant while at the 75th Precinct stationhouse and were not shown the warrant. § 87(2)(b) who is a full-time resident of § 87(2)(b) stated that he was shown the warrant at his residence. Therefore, no Abuse: Failure to Show Search Warrant allegation is pleaded.
- § 87(2)(b) alleged that Sgt. Radoncic pushed him against a wall before frisking him. Merely being placed against a wall while being stopped and frisked does not rise to the level of excessive force, and therefore no Force: Physical Force allegation is pleaded in regards.
- In his telephone statement on October 13, 2016, § 87(2)(b) stated that no officer entered his pockets on October 1, 2016. However, in his CCRB interview on October 25, 2016, § 87(2)(b) stated that Sgt. Radoncic entered his front pants pockets. Sgt. Radoncic acknowledged frisking § 87(2)(b) and denied entering any of his pockets. The

preponderance of the evidence therefore suggests that Sgt. Radoncic frisked § 87(2)(b) and did not search his pockets. As such, no Abuse: Search of Person allegation is pleaded against Sgt. Radoncic.

Allegation A – Abuse of Authority: On September 22, 2016, Deputy Chief Michael Lipetri entered and searched § 87(2)(b) in Brooklyn.

The investigation has determined that the search conducted at § 87(2)(b) in Brooklyn on September 22, 2016 was in accordance with a valid Kings County no-knock search warrant § 87(2)(b), which was issued by Hon. § 87(2)(b) on § 87(2)(b) (Board Review 18). The 75th Precinct Tactical Plan (Board Review 14) lists Inspector Michael Lipetri, who has since been promoted to Deputy Chief, as the Search Warrant Commander. § 87(2)(g)

Allegation B – Discourtesy: On September 22, 2016, inside § 87(2)(b) in Brooklyn, Detective Shawn Soler spoke discourteously to § 87(2)(b)

Allegation C – Discourtesy: On September 22, 2016, inside § 87(2)(b) in Brooklyn, Detective Shawn Soler spoke discourteously to § 87(2)(b)

§ 87(2)(b) alleged that DTS Soler pushed open his bedroom door and immediately ordered him to “get the fuck on the ground” and ordered § 87(2)(b) to get out of bed. § 87(2)(b) told DTS Soler that she did not have any clothes on, and DTS Soler allegedly replied, “I don’t give a fuck, get out the fucking bed right now.” § 87(2)(b)’s statement was generally consistent with § 87(2)(b)s. § 87(2)(b) noted that before she told DTS Soler that she was wearing only her undergarments, DTS Soler had allegedly told her to “get the fuck out of bed.” § 87(2)(b) stated that she was wearing only her undergarments.

§ 87(2)(b) was in the living room and was not present in the bedroom. § 87(2)(b) stated that § 87(2)(b) and § 87(2)(b) exited their bedroom and that an officer whom he identified as the arresting officer (a husky, 5’9”-5’10” tall white male in plainclothes and aged in his late 30s with light brown hair, black eyes, and tattoos) ordered § 87(2)(b) and § 87(2)(b) to “get the fuck down on the ground.” § 87(2)(b) stated that no officer said that he did not “give a fuck.” § 87(2)(b) and § 87(2)(b)s § 87(2)(b)-old sister, § 87(2)(b) were in their own respective bedrooms and were not present in § 87(2)(b)s bedroom. Neither § 87(2)(b) nor § 87(2)(b) made any mention of DTS Soler making any of the aforementioned statements.

DTS Soler was unable to recall any specific details regarding the execution of this search warrant. DTS Soler did not recall whether he told any individual to “get the fuck on the ground” or to “get the fuck out of bed,” whether he said “I don’t give a fuck,” or if he used profanities at any point. DTS Noah Molina, who was DTS Soler’s ballistic shield operator, also had no independent recollection of this incident. DTS Molina stated that he did not hear any officer say “Get the fuck on the ground” or “Get the fuck out of bed,” or hear any officer say that he did not “give a fuck.” DTS Molina did not recall hearing any officer use profanities at any point.

§ 87(2)(g)

Allegation D – Force: On September 22, 2016, inside § 87(2)(b) in Brooklyn, Police Officer Michael Taggart used physical force against § 87(2)(b)

Allegation E – Force: On September 22, 2016, inside § 87(2)(b) in Brooklyn, Detective Terry Avent used physical force against § 87(2)(b)

§ 87(2)(b) stated that he exited his bedroom and walked towards the kitchen with his hands up when he was ordered to “freeze.” § 87(2)(b) asked what was going on and the officers repeatedly told him to “shut up.” § 87(2)(b) stated that the officers may have asked him to get on the floor, but he did not have the room to do so because he was by the kitchen and the trash can was in the way. PO Taggart then allegedly punched § 87(2)(b) in his right cheek. § 87(2)(b) stated that PO Taggart did not touch him or give him any commands other than to “freeze” before punching him. § 87(2)(b) s allegedly received a laceration to his lip as a result of this punch. PO Taggart placed § 87(2)(b) face down on the floor, and then DTS Avent allegedly punched § 87(2)(b) in his right jaw. § 87(2)(b) was then handcuffed. § 87(2)(b) stated that he was not moving while the officers placed him in handcuffs and that DTS Avent did not give him any commands before punching him. § 87(2)(b) provided a photograph of his injured inner lip that was taken after he was released from Brooklyn Central Booking (Board Review 19).

§ 87(2)(b) s statement is generally consistent with § 87(2)(b) s, but her description of the subject officer differs from § 87(2)(b) s (see Explanation of Subject Officer Identification for § 87(2)(b) s description). § 87(2)(b) stated that only one officer punched § 87(2)(b) while he was standing and then while he was on the ground, and she described this officer as a stocky, 6’2” to 6’6” white male officer with no ballistic shield. § 87(2)(b) stated that the officers did not give § 87(2)(b) any commands before punching him.

§ 87(2)(b) s statement is generally consistent with § 87(2)(b) s, but the only description that he was able to provide for the first officer who punched § 87(2)(b) was that he was a male. § 87(2)(b) described the second officer who punched § 87(2)(b) as a muscular black male in plainclothes whom the other officers referred to as a supervisor.

§ 87(2)(b) s description of the subject officer also differs from § 87(2)(b) s. § 87(2)(b) also stated that only one officer punched § 87(2)(b) while he was standing and then while he was on the ground, and he described this officer as a black male who was 6’ to 6’1” tall who was in his mid-20s to early 30s and had a skinny build, black hair, and no ballistic shield. § 87(2)(b) described this officer as black in his telephone statement and his CCRB interview. However, he also stated that this officer was white later on in his CCRB interview. § 87(2)(b) stated that this officer punched § 87(2)(b) while he was standing before saying anything to him. In his telephone statement, § 87(2)(b) stated that this officer punched § 87(2)(b) on the floor while one of § 87(2)(b) s arms was handcuffed. In his CCRB interview, § 87(2)(b) stated that this officer punched § 87(2)(b) after he was fully handcuffed.

When § 87(2)(b) exited her bedroom, she saw § 87(2)(b) already handcuffed on the floor and noticed that his lip was “busted,” but she did not know how he sustained this injury.

PO Taggart stated that he did not use physical force against or make any physical contact with anyone inside of § 87(2)(b) PO Taggart did not recognize a photograph of § 87(2)(b) and he stated that neither he nor any other officer punched § 87(2)(b) in

the face. PO Taggart stated that he remained in the living room with the dog, and he was not sure whether DTS Avent remained in the living room with him.

DTS Avent had no independent recollection of this incident. DTS Avent did not recognize a photograph of § 87(2)(b) and he stated that he did not punch § 87(2)(b) in the face or see any other officer do so.

No injuries are visible in § 87(2)(b)'s arrest photograph (Board Review 20). The ESD2 Report (Board Review 13) makes no mention of any officer using physical force against § 87(2)(b)'s medical records from § 87(2)(b) (Privileged Documents 01), where he was taken after his arrest to have his diabetes medication administered, make no mention of any injury to § 87(2)(b)'s lip or face or of § 87(2)(b) being punched in the face, and state that § 87(2)(b) had no complaints.

§ 87(2)(g)
[REDACTED]

Allegation F – Discourtesy: On September 22, 2016, en route to the 75th Precinct stationhouse, an officer spoke discourteously to § 87(2)(b) and § 87(2)(b)

§ 87(2)(b) alleged that as she was being led into the prisoner van, an Asian male officer in the passenger seat sang, “We’re gonna find a gun.” § 87(2)(b) alleged that an officer in the prisoner van chanted, “We’re gonna lock you up,” “We’re gonna find something,” and/or, “You’re gonna get in trouble.” In his telephone statement, § 87(2)(b) described this officer as a uniformed white female officer in her mid-20s with long hair in a ponytail seated in the driver seat. In his CCRB interview, § 87(2)(b) did not recall the gender of this officer or whether he or she was seated in the driver seat or the passenger seat. § 87(2)(b) made no mention of any officer singing or chanting in the prisoner van. § 87(2)(b) stated that he was the first of the arrestees placed in the prisoner van and that no officer sang in the van or chanted, “We’re gonna lock you up.” None of the officers interviewed acknowledged being in the prisoner van or knew which officer was in the prisoner van.

§ 87(2)(g)
[REDACTED]

Allegation G – Abuse of Authority: On September 22, 2016, at the 75th Precinct stationhouse, Police Officer Michael Ardolino did not obtain medical treatment for § 87(2)(b)

§ 87(2)(b) stated that he asked PO Ardolino for medical attention for a laceration on his back two to three times while he was inside the cell. Each time he asked PO Ardolino for medical attention, PO Ardolino stated that he would be right back. § 87(2)(b) stated that PO Ardolino never fulfilled his request for medical attention. § 87(2)(b) was not taken to a

hospital until after he was screened at Brooklyn Central Booking, and he was treated at § 87(2)(b) for his diabetes. § 87(2)(b) stated that his bleeding back was treated with an alcohol pad, but his medical records (Privileged Documents 01) make no mention of any ailment other than his diabetes.

§ 87(2)(b) was lodged in the same cell as § 87(2)(b) and § 87(2)(b) and he did not recall § 87(2)(b) requesting medical attention or discussing his medical condition with any officer while they were in the cell. § 87(2)(b) and § 87(2)(b) were in the same cell, and § 87(2)(b) stated that § 87(2)(b) asked why he was punched and complained about his injured lip but did not request medical attention or ask to be taken to a hospital. § 87(2)(b) and § 87(2)(b) were lodged in separate cells at the stationhouse and § 87(2)(b) could hear § 87(2)(b) from her cell if he yelled. § 87(2)(b) did not recall § 87(2)(b) requesting medical attention or conversing with any officer about his injuries.

PO Ardolino acknowledged interacting with the arrestees while they were lodged in cells at the stationhouse and stated that he did not notice any injuries on § 87(2)(b)'s person. PO Ardolino stated that § 87(2)(b) did not complain of any injury or request medical attention while he was in the cell.

§ 87(2)(g)
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Allegation H – Abuse of Authority: On October 1, 2016, outside § 87(2)(b) in Brooklyn, Sergeant Adnan Radoncic stopped § 87(2)(b)

Allegation I – Abuse of Authority: On October 1, 2016, outside § 87(2)(b) in Brooklyn, Sergeant Adnan Radoncic frisked § 87(2)(b)

§ 87(2)(b) stated that as he was unlocking the front door to § 87(2)(b) he observed a police vehicle arrive at the scene and two officers ask a group of people in front of the building if anyone had drawn a gun at the location. Sgt. Radoncic climbed the stairs leading up to the entrance of § 87(2)(b) and approached § 87(2)(b). Sgt. Radoncic allegedly grabbed the exterior of both of his pants pockets, placed § 87(2)(b)'s back against a wall, and frisked his stomach, legs, and waistband without saying anything to him beforehand. At the time, § 87(2)(b) only had his cell phone in his pocket. Sgt. Radoncic explained to § 87(2)(b) that he had received a report of guns being drawn on the first floor of the building during an argument. § 87(2)(b) was released without a summons.

Sgt. Radoncic stated that he had received a job for a male with a firearm at § 87(2)(b). There was no callback number, and no further information, was provided. Sgt. Radoncic did not recall whether a description of the suspect was provided. Sgt. Radoncic and PO Gallagher were the first officers to arrive at the scene, and they observed a group of four to five people in front of § 87(2)(b) including § 87(2)(b) who was walking up the stairs. Sgt. Radoncic asked if anyone called 911 or was engaged in an argument. Everyone denied calling 911 and was reluctant to provide any information. Sgt. Radoncic was unable to identify the caller, and it appeared to him that the group did not want to address the situation. § 87(2)(f)

§ 87(2)(f)

§ 87(2)(f) Apart from § 87(2)(f), Sgt. Radoncic received no additional information from the group that indicated to him that § 87(2)(b) was either the perpetrator or the reporter of the crime. Sgt. Radoncic and PO Gallagher went up the stairs and approached § 87(2)(b) who avoided eye contact with Sgt. Radoncic as he walked up the stairs. § 87(2)(b) appeared to be attempting to push an object further down into the front left pocket of his jeans with his left hand. The object, which was partially in the pocket and partially exposed, was black, rectangular, approximately 3.5 inches long, and looked like the handle of a small .22 caliber firearm. Sgt. Radoncic did not recall his exact conversation with § 87(2)(b) but he believed he greeted him and asked him what he was doing at the location and if he called 911. Sgt. Radoncic asked § 87(2)(b) if he lived in the building and ordered § 87(2)(b) once to show him his hands. § 87(2)(b) offered no verbal response, rolled his eyes, and did not remove his hand from his pocket. Sgt. Radoncic grabbed § 87(2)(b)'s left hand to prevent him from removing it from his pocket, and he frisked the immediate area of the left pocket with one hand and simultaneously frisked § 87(2)(b)'s waistband with the other hand. Sgt. Radoncic did not see anything in § 87(2)(b)'s waistband and did not frisk any other areas besides the pocket and the waistband. Sgt. Radoncic frisked § 87(2)(b)'s waistband to make sure § 87(2)(b) did not have any weapons that could possibly hurt him. The item in the pocket felt like a cell phone. Sgt. Radoncic let go of § 87(2)(b)'s hand and backed away from § 87(2)(b) and § 87(2)(b) removed the cell phone from his pocket, showed it to Sgt. Radoncic, and then quickly placed it back in his pocket. Sgt. Radoncic did not see the cell phone before frisking § 87(2)(b) and he believed it to be a firearm. Sgt. Radoncic stated that he directed PO Gallagher to prepare a Stop & Frisk Report for § 87(2)(b) whose name is not printed on the report because he refused to provide it to the officers.

In Event § 87(2)(b) (Board Review 21), a call was received at the 75th Precinct stationhouse § 87(2)(f) that there were about a dozen people of mixed races selling drugs in the hallway of § 87(2)(b) and that someone had a gun. A callback number for the caller is listed on the documentation of this Event. No description of any particular suspect was provided.

An officer may stop and detain an individual if he or she has reasonable suspicion that the individual has committed, is committing, or is about to commit a crime (People v. DeBour, 40 N.Y.2d 210). DeBour also states that in order to frisk an individual, an officer must have reasonable suspicion to believe that the individual is armed. A detailed anonymous tip does not provide reasonable suspicion to stop and frisk an individual (People v. Moore, 6 N.Y.3d 496). A vague or general description is not sufficient to constitute reasonable suspicion, even when there is some temporal proximity to the offense (People v. Dubinsky, 734 N.Y.S.2d 245). An individual in a high-crime area early in the morning who has a weighted-down bulge in his pocket, changes course after noticing officers, blades his body as officers approach, and attempts to block the officer's hand from touching the bulge, only provides the officers with founded suspicion and, in totality, does not create reasonable suspicion necessary to stop and frisk the individual (People v. Gerard, 942 N.Y.S.2d 112). See Board Review 22.

§ 87(2)(g)

§ 87(2)(g) [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

Sgt. Radoncic stated that he frisked the immediate area of § 87(2)(b)'s left pocket with one hand and simultaneously frisked § 87(2)(b)'s waistband with the other hand, and he discovered that the item was a cell phone. Sgt. Radoncic described the object that § 87(2)(b) attempted to push down into his left pocket as black in color, rectangular in shape, and approximately 3.5 inches long, and he stated that this item appeared to him to be the handle of a small .22 caliber firearm. Sgt. Radoncic did not see anything in § 87(2)(b)'s waistband, and he stated that he frisked the waistband to make sure § 87(2)(b) did not have any weapons that could possibly hurt him. § 87(2)(g) [Redacted]
[Redacted]
[Redacted]
[Redacted]
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[Redacted]
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[Redacted]
[Redacted]
[Redacted]
[Redacted]

§ 87(2)(g) [Redacted]
[Redacted]
[Redacted]
[Redacted]

§ 87(4-b), § 87(2)(g) [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

Squad: 9

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date